IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO.1517 OF 2002
IN
SUIT NO. 916 OF 2002

Dr.P.A.Dadia & Ors. ...Plaintiffs
Vs.
Mahendra Dadia & Ors. ...Defendants

Mr.Laki Indarlal i/b. S. Satpute for Plaintiffs
None present for Defendants.

CORAM: SMT.R.S.DALVI,J.
DATED: 1ST JULY, 2005

P.C.

1. The Plaintiff's Advocate applies for withdrawal of this Notice of Motion with liberty to take out a fresh Notice of Motion on the ground that in the arbitration proceedings which are resorted to by the parties, an Award has been passed, which is required to be challenged.

2. If an Award has been passed in an arbitration proceedings nothing survives in this suit itself. The Plaintiff is allowed to withdraw the Notice of Motion. The Plaintiff shall be entitled to challenge the Award in a separate proceeding. The suit has become infructuous. Suit disposed of accordingly.

(SMT.R.S.DALVI,J.)